

September 11, 1996

Mr. Wayne Scott
Executive Director
Texas Department of Criminal Justice
Price Daniel Sr. Building, Suite 500
209 West 14th Street
Austin, Texas 78701

Dear Mr. Scott:

The Texas Department of Criminal Justice (TDCJ) has established an objective, multi-tiered job analysis system with an appeal process in order to ensure that only employees who are entitled to custodial officer service credit receive the incentive. These employees are exposed to direct inmate contact without the protection of bars, doors, security screens or other security measures. The State Auditor is statutorily required to review biennially the standards adopted by the Texas Department of Criminal Justice.

The custodial officer service credit is a retirement incentive for those employees who are exposed to hazardous situations through direct, routine inmate contact or who are required to respond to emergency situations. This retirement incentive is calculated to provide an additional factor of 0.5 percent when calculating an employee's retirement annuity.

Currently, 33,278 of the Department's 35,264 employees (or 94 percent) are eligible for the service credit. Eligible employees are assigned to one of five categories which designate them for custodial officer service credit. These categories are as follows:

- Persons classified as Correctional Officer I through Warden (26,462, or approximately 80 percent of eligible employees)
- All other employees assigned to work on a unit and whose job routinely requires direct contact with inmates (6,322, or approximately 19 percent of eligible employees)
- Employees assigned to administrative offices whose job requires routine direct inmate contact at least 50 percent of the time (434, or approximately 1.3 percent of eligible employees)
- Administrative employees whose jobs require response to emergency situations involving inmates (45, or approximately 0.1 percent of eligible employees)
- Employees receiving hazardous duty pay as of August 31, 1985, will continue to receive it per statute (15, or approximately .05 percent of eligible employees)

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Each prison unit within the TDCJ system is equipped with a "crash gate," behind which inmates are permitted to move about freely in order to communicate with TDCJ employees, recreate, or accomplish daily tasks. Employees whose jobs require them to perform duties behind the "crash gate," among the general prisoner population, are eligible to receive custodial officer service credit. These employees are described under the first two categories listed above. The positions of employees who work outside of the unit are reviewed for eligibility on an individual basis based on the third and fourth categories listed above.

The following procedures are currently followed when requesting authorization for an employee to receive custodial officer service credit:

- Supervisors submit the necessary documentation plus any supporting information to the Employee Classification Section of the Huntsville Human Resources Department.
- The Employee Classification Section of the Huntsville Human Resources Department analyzes the position for which custodial officer certification is sought and documents conformance with the criteria.
- The Human Resources Department forwards the request to the Executive Director or appropriate Division Director who reviews the request and approves or disapproves it.
- Approved requests are presented to the Board of Criminal Justice for final approval. Custodial officer service credit for approved positions becomes effective on the first day of occupancy in the authorized positions.

This multi-tiered system of review and authorization is essential to ensure that only those employees who meet the established criteria receive custodial officer service credit. Supervisors may appeal the ruling of the Human Resources Department in the event of a dispute involving employee eligibility. In addition, the Texas Department of Criminal Justice plans to implement a process for ad hoc reviews and an annual authorization review in order to ensure that employees receiving the incentive remain eligible.

In addition to having a multi-tiered review process, the process for authorizing eligible positions is completed in a timely manner. In most cases eligibility determination can be accomplished within 2 to 3 days, generally not more than 30 days overall.

Regular reporting to the Governor's Office of Budget and Planning and the Legislative Budget Board ensures that no more than 25 Administrative Duty Officers receive the custodial officer service credit at any one time, as limited by statute.

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Since the guidelines established for determining eligibility for administrative employees is historically based and has not been subjected to empirical testing, the Texas Department of Criminal Justice should conduct a review of those guidelines. Administrative employees are required to spend a minimum of 50 percent of their work time in routine, direct inmate contact in order to become eligible for the custodial officer service credit. The Department should conduct a study to ensure this eligibility requirement meets the needs of the agency, is fair to its employees, and is an effective form of measurement. Since this is the only category of employee which is required to perform duties in a hazardous environment for a specified period of time in order to be eligible, a review by the agency should account for the various risks to which such employees are subjected. The fifty percent time requirement should be clarified.

Management's Response

The Agency is making preparations to study the guidelines established for determining eligibility for administrative employees; and, if they are found to be inadequate, necessary changes will be initiated to provide corrective action.

Objective, Scope, and Methodology

The objective of this review was to analyze the standards adopted by the Texas Department of Criminal Justice established under the authority of Article V, Section 27 (e), House Bill No. 1, General Appropriations Act, 74th Legislature, Regular Session, as they regard custodial officer service credit and to determine:

- What criteria are used in establishing standards for determining the eligibility for custodial officer service credit
- Whether the criteria used in establishing standards for determining the eligibility for custodial officer service credit are reasonable and appropriate

This review covered all 35,264 employees at the Texas Department of Criminal Justice as of June 30, 1996.

In conducting this study we reviewed:

- The standards and procedures adopted by TDCJ for determining the eligibility for custodial officer service credit
- Enabling legislation
- Fiscal year reports for eligible employees

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In addition, we interviewed representatives from the Texas Department of Criminal Justice.

Sincerely,

Kelli L. Dan, CCP, PHR
Acting State Classification Officer

KLD/jnl/iev

cc: Legislative Audit Committee:
The Honorable James E. "Pete" Laney, Speaker of the House, Chair
The Honorable Bob Bullock, Lieutenant Governor, Vice Chair
The Honorable Bill Ratliff, Chair, Senate Finance Committee
The Honorable Kenneth Armbrister, Chair, Senate State Affairs Committee
The Honorable Robert Junell, Chair, House Appropriations Committee
The Honorable Tom Craddick, Chair, House Ways and Means Committee
The Honorable George W. Bush, Governor of Texas
Mr. John Keel, CPA, Director, Legislative Budget Board
Mr. Albert Hawkins, Director, Governor's Office of Budget and Planning